United Nations A/72/925–S/2018/662

General Assembly
Security Council

Distr.: General
3 July 2018
English
Original: Arabic

General Assembly
Seventy-second session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-third year

Letter dated 25 June 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

I have the honour to convey to you the observations and concerns of the Syrian Arab Republic regarding certain aspects of the report of the Secretary-General dated 14 May 2018 on protection of civilians in armed conflict (S/2018/462), in particular those aspects that pertain to the situation in the Syrian Arab Republic.

My Government agrees with the assessment that is set out in the introduction to your report, namely, that the most effective way to protect civilians is to prevent the outbreak, escalation, continuation and recurrence of armed conflict. It also agrees that sustainable solutions must be found through dialogue.

The Syrian people have been suffering over the past seven years as a result of the acts of terrorism that have been committed by armed groups. Accordingly, my Government believes that upholding the principles and purposes of the Charter and the relevant rules of international law is not only of vital importance to the protection of civilians, but also contributes to the maintenance of international peace and security. Of those principles and rules, I should like to draw attention, in particular, to those that pertain to the sovereignty of States and non-interference in their internal affairs, upholding the values of justice and equality and the right of peoples around the world, without exception, to prosperity, stability and economic and social development.

My Government is deeply concerned at the approach adopted by the Secretariat in its reports on the protection of civilians, because it does not take into account the fact that the protection of civilians is the responsibility of the governments of their States of nationality. Such an aberrant approach is a deviation from the norms of the United Nations and encourages the governments of certain States Members to continue to interfere in the affairs of other States, use force against them, threaten their security and stability, and strive to overthrow their governments under the pretext of protecting human rights and fulfilling a "responsibility" for which there is no agreed upon basis in international law.

With regard to the responsibility to protect, the Government of the Syrian Arab Republic reaffirms that it continues to exercise its right and fulfil its duty, under the

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Syrian Constitution and international law, to protect civilians residing in its territory against the acts of terrorism that are being perpetrated by armed terrorist groups, in particular Islamic State in Iraq and the Levant (ISIL), the Nusrah Front and associated individuals and entities. My Government furthermore reaffirms that it will exercise all its powers and fulfil all its duties, under the law and the Constitution, in order to respond to aggression, occupation or illegal armed activity in its territory. In that regard, Syria is no different than other States Members of the United Nations, which, under the Charter and the rules and principles of international law, as well as their respective constitutions, have the right to defend their sovereignty and territorial integrity and the security of their nationals from all threats and dangers.

My Government is appalled by what the authors state, in paragraph 8 of the report, about so-called non-State armed groups. We, in the Syrian Arab Republic, have yet to find an acceptable explanation of what is meant by the phrase "that they support and facilitate expanded efforts to engage non-State armed groups to enter into action plans and develop codes of conduct, operational policy and other tools to ensure effective protection and accountability"!

By putting forward such problematic evaluations, the United Nations is granting false legitimacy to the efforts of Member State Governments that support, finance and arm terrorist groups and illegal armed groups operating in the territory of other States. What is even worse is that the United Nations is endowing such unlawful armed groups with legal status, thereby enabling them to conclude agreements with the Governments of Member States, non-governmental organizations and United Nations organizations and entities!

My Government find it deplorable that, as stated in paragraph 54 of the report, the United Nations has signed so-called action plans with "non-State armed groups". The Syrian Arab Republic believes that those groups have no legitimacy whatsoever. It also believes that only State military and security institutions are allowed to possess and use arms in order to maintain security and stability and ensure the safety and independence of the country. My Government reaffirms that the reference in the report to the activities of the Geneva Call overlooks the fact that most of the armed groups with which such instruments have been concluded are illegal armed groups and armed terrorist groups that are ideologically and logistically linked to organizations that the Security Council has designated as terrorist entities, including, most notably, the Nusrah Front terrorist organization.

My Government does not accept the reference to the situation in the Syrian Arab Republic that the authors make in several parts of the report, including in paragraphs 9, 11–12, 15–16, 21, 23 and 26–28. As a matter of principle, the Syrian Arab Republic expresses reservations with respect to and rejects the figures, data and assessments that are set out in the report under consideration as they pertain to the situation in Syria. They are the product of non-transparent data- and information-gathering mechanisms that exclude and refuse to coordinate with the Government of the State concerned, relying, instead, on non-governmental organizations that operate illegally in Syrian territory and without Government authorization, or outside Syrian territory, where they pursue a politicized agenda with the support of the Governments of States that fund terrorism in Syria and seek to hinder the possibility of arriving at any political solution to the situation in the country. More importantly, those unprofessional mechanisms rely on so-called open sources, the majority of which are dubious and linked to armed terrorist groups. We should like to remind the Secretariat that the so-called White Helmets organization is, in fact, is a group of armed individuals that commits acts of terrorism against the Syrian State and its citizens, and openly receives financial and political support from the Governments of certain States, such as the United States and Great Britain. We should also like to remind the

Secretariat that this illegal group operates only in areas controlled by the Nusrah Front, which the Security Council has designated as a terrorist entity.

The manner in which the United Nations collects data has given rise to a legal, ethical and political crisis. Information-gathering mechanisms have become a means of bypassing the legitimate authorities, and those mechanisms sometimes act illegally, albeit systematically and deliberately, by choosing partners in a random manner, in order to disparage the Governments of certain States or to subvert their efforts and policies, particularly those that are aimed at protecting civilians from the threat posed by terrorism and illegal armed groups.

An important procedural and substantive flaw, namely, unjustified selectivity, pervades the report. For example, my Government is surprised by the reference in paragraph 22 of the report to the "European Union directive on combating terrorism of March 2017". That reference raises two important questions. First, what are the criteria on which the authors of the report based their decision to cite the "directive" as a best practice? Second, does the United Nations have approved and established criteria for determining what constitutes an "impartial humanitarian organization"?

The Syrian Arab Republic view the situation with concern because of its experience over the past seven years with the United Nations and non-governmental humanitarian organizations. Although efforts to deliver humanitarian assistance were very successful on the ground when they were conducted in partnership, cooperation and coordination with the Syrian Government, they did not always meet their lofty goals and targets, nor did they adhere to standards of neutrality and professionalism because of the biased and unprofessional conduct of certain United officials and other actors responsible for delivering humanitarian assistance, and because of the irresponsible agendas of certain non-governmental organizations and so-called partners. Thanks to all those factors, humanitarian aid and medical supplies wound up in the hands of armed terrorist groups and associated individuals and entities, which kept the assistance for themselves and prevented it from reaching those who truly needed it. In fact, those groups have even gone so far as to sell the items that they seize at exorbitant prices. What happened in eastern Ghutah, Aleppo and other Syrian cities and other areas continues to serve as an example to all. The warehouses controlled by the armed terrorist groups in those cities and areas were stocked with tons of food and medicine that were delivered by United Nations organizations.

In addition, my Government finds it deplorable that, in paragraph 52 of the report, the authors praise the "protection-related requirements in the National Defense Authorization Act for Fiscal Year 2017" that was adopted by the United States Congress. The authors go on to say that such requirements lead to strengthened measures to prevent and mitigate harm to civilians. In that connection, we simply remind the Secretariat that, in its report, the United Nations mission to assess the humanitarian situation in Raqqah city confirmed that the air force of the so-called international coalition led by the United States had destroyed more than 80 per cent of the city, including infrastructure, medical facilities and public and private property, and that thousands of bodies remained buried under the rubble as a result of the coalition's military operations.

The armed terrorist groups active in Syria have consistently used residential neighbourhoods and medical and educational facilities as bases for launching terrorist operations against civilians and Syrian Arab Army forces in various cities and areas of Syria. The authors should have drawn attention to that practice when addressing how what they call "non-State armed groups" are using the urban environment to alter the balance of power and complicate efforts to protect civilians.

The Syrian Arab Republic would like to draw attention to the key role that the Syrian National Committee for International Humanitarian Law, which was

established in 2004, plays in disseminating international humanitarian law in the Syrian Arab Republic at the grass-roots level and within various Syrian State institutions. The role of the National Committee was expanded significantly in 2015. Working in cooperation with the International Committee of the Red Cross, it is currently holding workshops and providing training on international humanitarian law for the staff of various State institutions, academics and military personnel, with a view to ensuring adherence to the principles of international humanitarian law, particularly when countering terrorism.

In conclusion, the Syrian Arab Republic calls upon the Secretariat to adhere to the spirit and principles of the Charter and the rules of professional conduct when preparing such important and sensitive reports. There can be no dispute that establishing facts and data in a transparent and impartial manner will produce sound results and recommendations, and that the converse is true.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 34, and of Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative